

**TITLE 22. PUBLIC HEALTH AND MEDICINE
CHAPTER 34. COMMUNITY RESIDENCE FACILITIES**

**(Regulations on the licensing of community residence facilities for persons
who are neither mentally ill nor mentally retarded)**

History of Rules since Last Compilation by Agency (August 1986)

October 1, 2004 chapter 34, Community Residence Facilities, reinstated into Title 22 by Errata at 51 DCR 9308 by the Office of Documents and Administrative Issuances; statutory authority D.C. Code § 2-559 (2001)

October 1, 2004 chapter 34, Mental Health Rehabilitation Services Provider Certification Standards, and all amendment history, moved to Title 22 by Errata at 51 DCR 9308 by the Office of Documents and Administrative Issuances; statutory authority D.C. Code § 2-559 (2001)

22-3400. GENERAL PROVISIONS

3400.1 A community residence facility shall have a Residence Director who may be the licensee of the community residence facility and who shall have the following qualifications:

- (a) He or she shall be at least twenty-one (21) years of age;
- (b) He or she shall be certified annually by a physician as being in good physical and mental condition, capable of doing physical household tasks or of directing the work of household assistants, and free of communicable diseases as defined in chapter 2 of this title;
- (c) At the time of the initial application for a license for a community residence facility, the Residence Director shall be examined orally by the Mayor as to his or her understanding of the requirements of chapters 30 through 34 of this title and ability to provide adequate care to residents within the community residence facility; and
- (d) The Residence Director of a community residence facility with thirty (30) or more residents shall hold a bachelor's degree or have at least three (3) years full-time experience in a field directly related to the administration of the program or the services of the community residence facility.

3400.2 The Residence Director shall have the following responsibilities, except in those areas in which the governing board of the community residence facility has retained the responsibility:

- (a) The supervision of the day-to-day operation of the community residence facility;
- (b) The implementation of policies, practices, and procedures of the community residence facility, including the screening of prospective residents;
- (c) The preparation of all reports and documents required by the Mayor;

- (d) The preparation of the budget and the supervision of financial matters;
- (e) The supervision of the community residence facility's sanitation, safety, laundry, and dietary standards and services, and of its services relating to the health, education, and welfare of its residents;
- (f) The maintenance of the community residence facility's records and reports relating to residents and finances; and
- (g) The supervision and direction of the other employees of the community residence facility.

3400.3 The Residence Director shall not be employed outside the community residence facility and shall be present in the community residence facility and within call of the residents at all times, or shall assign his or her duties for a period not to exceed twelve (12) hours to an individual who is at least twenty-one (21) years of age and who is capable of recognizing visible changes in the residents' physical and mental conditions and of taking responsible action in the case of an emergency.

3400.4 If the Residence Director is to be temporarily absent for periods to exceed twelve (12) hours, he or she shall designate an assistant Residence Director who shall be capable of assuming the responsibilities of the Residence Director.

3400.5 If all of the residents of a community residence facility are regularly occupied or employed away from the community residence facility during certain hours, the Mayor, upon application by the Residence Director, may permit that community residence facility to be unattended during those hours and the Residence Director to be otherwise employed. The Residence Director shall ensure that the community residence facility will be properly supervised in the event of a resident's illness or an emergency.

22-3401. MEDICAL COVERAGE

3401.1 Each resident shall provide for his or her own medical care, at his or her own expense, if able, or under Titles 17 and 19 of the Social Security Act, or at the expense of any other public or private plan or agency.

3401.2 Nothing in this section shall be deemed to require a resident to have a medical relationship with a licensed physician when the resident relies solely upon generally recognized treatment by prayer or spiritual means, unless his or her failure to obtain medical care represents a threat to the health or safety of others.

3401.3 All residents shall be seen by a physician not more than thirty (30) days prior to admission to a community residence facility and at least one (1) time each year after admission.

3401.4 If a resident is unable to make arrangements for his or her annual examination, the Residence Director shall make the arrangements and assist the resident in complying with this requirement.

3401.5 A community residence facility with thirty (30) or more residents shall, by written agreement, retain the services of a licensed physician who shall advise on medical matters, review the community residence facility's program of residential health care, and handle medical emergencies if a resident's personal physician is unavailable. CDCR 22-3402 (2006)

22-3402. PERSONNEL

3402.1 There shall be a sufficient number of qualified employees, staff, or other adults in each community residence facility to provide for the welfare, comfort, and safety of residents at all times of the day and night.

3402.2 In a community residence facility with more than six (6) unrelated occupants, personnel policies shall be written and available to all staff and to agents of the Mayor. These policies shall include, but not be limited to, the following:

- (a) Wage scales, hours of work, vacations, sick leave, insurance, and other benefits;
- (b) Plans for the orientation of all employees and for regularly scheduled staff meetings;
- (c) An annual evaluation of employee performance by appropriate supervisors; and
- (d) Position descriptions for each category of employee.

3402.3 All persons employed in a community residence facility shall have a pre-employment medical examination by a licensed physician and shall be certified annually by the examining physician to be in good health and free of communicable diseases as defined in chapter 2 of this title.

3402.4 Accurate personnel records shall be maintained by each community residence facility.

3402.5 Personnel records shall include each employee's name; address; sex; social security number; current professional license or registration number, if any; a resume of education, training, experience, and places of previous employment; and a current health certification.

22-3403. ADMISSION POLICIES

3403.1 A prospective resident shall be admitted to and retained by a community residence facility only if the prospective resident, the sponsor (if any), and the Residence Director agree, and the resident's personal physician certifies in writing, that the resident is not in need of professional nursing care and can be assisted safely and adequately within a community residence facility.

3403.2 The Mayor shall prepare a form to be used by physicians in certifying residents for placement in community residence facilities that clearly states the limitations placed on community residence facilities with regard to the services they are licensed to provide and the condition of persons they are authorized to accept as residents.

3403.3 Residents shall be able to perform the activities of daily living with minimal assistance, generally be oriented as to person and place, and capable of proper judgment in taking action for self-preservation under emergency conditions.

3403.4 Persons not generally oriented as to time and place or persons substantially ambulatory but needing limited personal assistance in case of an emergency may be admitted to a community residence facility by special permission of the Mayor.

3403.5 Permission to admit a patient needing limited personal assistance under § 3403.4 shall only be granted if the Mayor is satisfied that the community residence facility has sufficient staff to ensure the safety of those residents.

3403.6 Admission requirements that are predicted upon religion, sex, organizational membership, or similar requirements shall be in writing.

3403.7 Whenever a community residence facility denies an applicant admission to the community residence facility, the reason for the denial shall be given to the applicant in writing, if requested in writing.

3403.8 Each resident shall have a pre-admission medical examination by a physician not more than thirty (30) days prior to his or her admission to a community residence facility.

3403.9 The examining physician shall certify that the resident is free of communicable disease as defined in chapter 2 of this title, and shall provide the community residence facility with a written report, including sufficient information concerning the resident's health to assist the community residence facility in providing adequate care, including any treatment orders, drugs prescribed, special diets, and a rehabilitation program.

3403.10 Each resident who is on convalescent leave from a psychiatric hospital, or who has been determined to be mentally incompetent or in need of treatment under the 1964 Hospitalization of the Mentally Ill Act approved September 14, 1965 (79 Stat. 751; D.C. Code, § 21-501), shall have had a psychiatric examination not more than thirty (30) days prior to his or her admission.

3403.11 The examining physician shall provide the community residence facility with a written report providing sufficient information on the resident's condition to enable the community residence facility to assist the resident toward rehabilitation, together with a record of any prescriptions, treatment orders, or special instructions for the management and protection of the resident.

3403.12 In the case of group homes for mentally retarded persons, no person shall be eligible for admission to a group home until the person has, prior to admission (but in no event more than six (6) months prior to admission), undergone a comprehensive evaluation that has resulted in a determination that the individual is mentally retarded and is in need of or would benefit from habilitation.

3403.13 Upon admission of a person who would benefit from habilitation under the provisions of § 3403.12, but in no event later than ten (10) days after the date of admission, an individual plan for habilitation shall be developed by appropriate professionals to meet the specific needs of the resident.

3403.14 The provisions of §§ 3403.1 through 3403.5 of this section and the provisions of §§ 3403.10 and 3403.11 of this section shall not apply to admission policies and requirements for prospective residents of group homes for mentally retarded persons.

3403.15 The Mayor shall issue regulations specifying standards for group homes for mentally retarded persons.

3403.16 The standards required under § 3403.15 shall include, but not be limited to, the following:

(a) Staffing appropriate to the residential needs of the persons in a home, in light of the individual habilitation plans of those persons; and

(b) Accessibility of the facility to those persons who are not ambulatory.

22-3404. RESIDENT STATUS POLICIES

3404.1 In addition to the pre-admission medical examination required by § 3403.8, each resident shall have an annual examination by a physician. The physician's report and his or her recommendations shall be included in the resident's permanent file.

3404.2 The Residence Director shall communicate orally or in writing with each resident's sponsor, if any, at least every six (6) months regarding the general condition of the resident, any unusual incidents that may have occurred, any changes in the resident's health status, and any changes in the care or services to be provided to the resident.

3404.3 In cases of serious illness or accident, medical care shall be secured immediately by the resident, if he or she is able, or by the Residence Director who shall first attempt to notify the resident's physician.

3404.4 If the Residence Director is unable to contact the resident's physician, he or she shall then secure assistance from the community residence facility's medical advisor, if any, or from another licensed physician.

3404.5 The Residence Director shall immediately notify the next of kin or sponsor, if any, of the incident and document it in the resident's permanent record.

3404.6 The provisions of § 3206 of chapter 32 of this title shall apply to community residence facilities.

3404.7 In the case of death, both the resident's attending physician and the next of kin or sponsor, if any, shall be notified promptly.

3404.8 Death shall be determined and pronounced only by a physician. The community residence facility shall provide for deaths to be investigated in accordance with § 3 of Title I of the Act of July 29, 1970 (84 Stat. 518; D.C. Code, § 11-2301).

22-3405. TRANSFER AND DISCHARGE POLICIES

3405.1 The Residence Director shall promptly notify a resident's sponsor, if any, or physician when a resident's physical or mental condition deteriorates so that the resident needs continuing professional nursing services and should be transferred to an appropriately licensed facility.

3405.2 Short-term nursing care, up to seventy-two (72) hours, may be provided by a community residence facility when needed if the community residence facility can provide or arrange for the provision of the physical environment and professional services appropriate to the resident's condition.

3405.3 If the Residence Director is not able to obtain appropriate medical care for the resident, he or she shall notify the Mayor of the need for assistance.

3405.4 No resident shall be involuntarily transferred to another community residence facility or asked to leave a community residence facility on a non-emergency basis without both of the following:

(a) A written statement signed by the Residence Director or the supervising agency (if any), describing the reasons for the transfer or departure, and providing timely (at least two (2) weeks) notice to the resident and sponsor, if any; and

(b) An opportunity for the resident to discuss the request with his or her personal physician, sponsor (if any), legal representative, or other person as he or she desires, and to plan for an appropriate new placement.

3405.5 Except in the case of a resident of a group home for mentally retarded persons, no resident shall be prevented from leaving the community residence facility or be subject to a curfew.

3405.6 If a Residence Director has reason to believe that a resident appears to be irrational and may do harm to himself or herself or to others, the Residence Director shall promptly notify the resident's personal physician and attempt to obtain appropriate medical assistance.

22-3406. RESIDENTS RIGHTS

3406.1 A supportive and protective environment shall be provided to each resident to promote his or her comfort, self-esteem, and personal dignity, and to ensure that the resident's property and civil rights are respected.

3406.2 A written copy of the rights and privileges (which may be obtained from the Mayor) set forth in §§ 3406.3 through 3406.11 shall be given to each resident and his or her sponsor, if any, upon admission.

3406.3 Each resident shall be permitted to receive visitors at any reasonable hour in an area permitting private conversation.

3406.4 Residents shall have the right of privacy in their rooms, and community residence facility personnel shall respect this right by knocking on the door before entering a resident's room.

3406.5 A resident's mail shall be delivered unopened unless medically contraindicated (as documented by a physician in the patient's medical record), or unless the mail relates to financial affairs for which responsibility has been delegated to the community residence facility in accordance with the provisions of § 3207.

3406.6 Residents shall have access to a telephone for outgoing and incoming calls located so that they can speak privately, and shall have the right to install and use a private telephone at their own expense.

3406.7 Physical and mental harassment or abuse of residents is prohibited.

3406.8 Provisions shall be made to meet the spiritual needs of the residents by advising the proper clergyman of a resident's admission to the community residence facility, if requested to do so by the resident or his or her sponsor, if any, or by allowing residents to attend religious services of their choice in the community. No religious beliefs or practices shall be imposed on any resident.

3406.9 Residents or those acting on their behalf shall be provided the right of registration and disposition of complaints without the residents being intimidated by a threat of discharge or other reprisal.

3406.10 All residents, next of kin, and sponsors (if any) shall be provided with the address and telephone number of the District government office that licenses health care facilities.

3406.11 The community residence facility shall carry sufficient insurance to cover hazards (fire and extended coverage) and legal risk of liability.

22-3407. RESIDENTS PERSONAL PROPERTY

3407.1 A community residence facility shall take appropriate measures to safeguard and account for personal articles of residents that are brought to the community residence facility, including providing each resident with a cabinet, designated drawer, or other place in which he or she can keep and lock small items and personal papers.

3407.2 Safe storage of and assistance in managing modest cash resources of residents for use in meeting their personal incidental expenses is an appropriate service that shall be provided by a community residence facility if the service is requested in writing by the resident, if competent, or by the sponsor of the resident, if any.

3407.3 The community residence facility shall provide the resident or his or her sponsor, if any, with a receipt for all personal property received by it for safekeeping.

3407.4 Provisions shall be made for residents who desire to bring personal possessions and furnishings to their living quarters in the community residence facility unless the community residence facility can demonstrate that it is not practical, feasible, or safe.

3407.5 A separate and accurate record shall be kept of all funds and personal property deposited for safekeeping with or received to be managed by the community residence facility for the benefit of the resident. That record shall include

the following:

- (a) The date and amount of any money received;
- (b) The date and amount of each withdrawal by the resident or disbursement by the community residence facility for the resident's benefit;
- (c) The items or purposes for which disbursements were made by the community residence facility; and
- (d) The current balance.

3407.6 A copy of the record required in § 3407.5 shall be made available to the resident or his or her sponsor, if any, at any time upon demand, and shall be presented to the resident or his or her sponsor, if any, semi-annually and upon the resident's transfer or discharge from the community residence facility.

3407.7 Residents shall be encouraged and allowed to wear their own clothing.

3407.8 If clothing is provided by the community residence facility, it shall be appropriate, clean, and well-fitting.

3407.9 No Residence Director shall require, in consideration for the admission of a resident or in consideration for continuing to care for a resident, that the resident give, transfer, or assign to the Residence Director an interest in or title to any property owned by the resident, nor shall the Residence Director accept any such gift, transfer, or assignment.

3407.10 Nothing contained in this section shall be construed as prohibiting a Residence Director from requiring a resident to pay, at periodic intervals, the sum of money that has been agreed in writing shall be paid for the care given the resident, nor shall anything in this section be construed as prohibiting a resident from selling property to a Residence Director, if the price received is the reasonable market value of the property at the time of the sale. 22-3408 3409. RESERVED
22-3410. ADMINISTRATIVE RECORDS AND REPORTS

3410.1 The Residence Director shall maintain current and accurate records and reports which shall be on file and available at all times for inspection and review by the Mayor.

3410.2 All administrative records and reports required to be kept under this section shall be filed and retained for five (5) years by the community residence facility.

3410.3 Each community residence facility shall keep, and the Residence Director shall report annually within thirty (30) days after the end of each calendar year to the Mayor on appropriate forms to be provided by the Mayor, the following information:

- (a) Total number of admissions;
- (b) Total number of discharges;
- (c) Authorized bed capacity; and

(d) Total number of resident days.

3410.4 At least quarterly, each Residence Director shall notify the Central Referral Bureau established under chapter 30 of this title of any changes in his or her community residence facility's occupancy level since the previous report.

3410.5 A community residence facility shall maintain for the Mayor's inspection at any time the following records and reports:

(a) A list of current charges and fees for services;

(b) Payroll records and weekly staff schedules (if applicable);

(c) Disaster plans and procedures;

(d) Agreements with professional consultants;

(e) A list of the telephone numbers of each resident's personal physician, the advisory physician, if any, or at least three (3) other licensed physicians who could be called in case of an emergency; the poison control center; the rescue squad; the fire department; the police department; and any other resources available to aid in an emergency;

(f) A Roster of residents;

(g) A Day and Night Report Book in which emergencies and other unusual occurrences involving residents are recorded by the responsible person on duty at the time of the occurrence; and

(h) Records listing residents' personal property entrusted to the community residence facility for safekeeping.

22-3411. RESIDENTS RECORDS

3411.1 A community residence facility shall keep a permanent record concerning each resident to be retained by the community residence facility for at least two (2) years after the resident's discharge or death.

3411.2 All information contained in the permanent personal record shall be confidential and shall not be open to public inspection, except by officials of the District for the enforcement of this regulation, without the written consent of the resident indicating to whom the records are to be released and for what purpose.

3411.3 Each record shall be kept current, dated, and signed with the full name of the record keeper and shall include, but not be limited to, the following information:

(a) The resident's name;

(b) The resident's age and sex;

(c) The resident's social security number;

(d) The resident's home address;

- (e) The date the resident was admitted, and the date the resident was discharged or the date of the resident's death;
- (f) The name, address, and telephone number of the resident's personal physician;
- (g) The name, address, and telephone number of the resident's next of kin or sponsor, if any;
- (h) The source of referral;
- (i) The resident's religious affiliation, if any, and the name and telephone number of the resident's minister, priest, or rabbi;
- (j) Reports and recommendations from physicians, social workers, or other health care professionals (including, in the case of group homes for mentally retarded persons, the comprehensive evaluation for each resident and reports and recommendations from appropriate professionals) regarding the resident's care;
- (k) A current record of any funds managed by the community residence facility for the resident's benefit as required in § 3407; and
- (l) In the case of group homes for mentally retarded persons, the individual plan for habilitation required by § 3403. The plan shall be reviewed and appropriately revised at least annually. 22-3412.

CONFIDENTIALITY OF RECORDS

3412.1 Reports and records of a community residence facility specifically identifying residents of a community residence facility and permanent records of each resident shall be confidential and shall not be made available for public inspection to persons not involved in the resident's health care unless the names of residents and other identifying characteristics of the residents are removed or the resident gives his or her written consent to the other use.

3412.2 The provisions of § 3412.1 shall not apply to officials of the District responsible for the enforcement of chapters 30 through 34 of this title.

3412.3 No studies based on any community residence facility records shall identify the community residence facility by name without its written consent, or any resident by name without the resident's written consent or that of his or her sponsor, if any. 22-3413.

PROGRAM STATEMENTS

3413.1 Each community residence facility shall develop in writing or supply on forms to be provided by the Mayor a statement of the following:

- (a) Program and facilities;
- (b) Staffing patterns;
- (c) Consultant services;

- (d) Activities offered;
- (e) Fees and charges;
- (f) Payment and refund policies;
- (g) Group or groups of persons to be served, including any sex or age characteristics;
- (h) Admission and discharge policies, including parameters of length of stay;
- (i) Limitation, if any, on sources of referral; and
- (j) Formal and informal relationships to community health services and social services.

22-3414. RESERVED

22-3415. PHYSICAL RESTRAINT AND BEHAVIORAL MODIFICATION

3415.1 A community residence facility shall not use physical restraint or confinement except in an emergency to protect a resident from harming himself or herself or others.

3415.2 When action is required, the Residence Director shall immediately notify the resident's personal physician and sponsor, if any, and also shall take steps to obtain appropriate care for the resident.

3415.3 Programs designed to control or change a resident's behavior shall be described in writing, subject to the approval of the Mayor.

3415.4 Restraint, control, and behavior modification programs that have been approved by the Mayor shall be conducted only under the direct supervision of a qualified person having a graduate degree in psychology, sociology, social work, special education, vocational rehabilitation, or psychiatry, and having direct, supervised experience and training in the method employed.

3415.5 Restraint, control, and behavior modification programs shall not utilize deprivation or deprive any resident of his or her basic rights.

3415.6 Personnel of the community residence facility shall not employ physical or mental abuse.

3415.7 A resident shall not be forcibly secluded in a locked room, nor shall he or she be locked out of his or her room at any time.

22-3416. MEDICATION STORAGE AND DISPOSAL

3416.1 The community residence facility shall provide each resident with a means for keeping his or her medications secure and separate from those of other persons.

3416.2 Pharmaceuticals requiring refrigeration shall be stored in a locked refrigerator or in a secure container within a refrigerator.

3416.3 Narcotics shall be kept in locked containers or cabinets and the Residence Director shall keep a record of the kind and amount of narcotics in the possession of each resident.

3416.4 Medications of each resident shall be stored in their original containers and shall not be transferred to other containers.

3416.5 The Mayor shall prescribe procedures for community residence facilities to follow for the proper disposition and disposal of all medicines and narcotics on the discharge or death of the resident and when the medicines and narcotics are no longer in use.

22-3417. DIETARY SERVICES

3417.1 Community residence facilities shall recognize and provide for the reasonable nutritional, emotional, religious, cultural, and therapeutic dietary requirements of its residents.

3417.2 All food and drink shall be clean, wholesome, and free from spoilage.

3417.3 At least three (3) meals that are nutritious and suited to the special needs of residents shall be served, provided for, or arranged for on a daily basis.

3417.4 Where residents are provided meals at another location, it shall be the responsibility of the Residence Director to ensure that the meals (including box lunches or other meals) are nutritious, suited to the special needs of the residents, and otherwise appropriate.

3417.5 Meals shall be attractively served at the proper temperature and in a home-like atmosphere where group dining is offered to all residents.

3417.6 The community residence facility shall conform to § 3222 requirements.

3417.7 The Mayor shall make a current diet manual available to all community residence facilities, and shall offer the consultant services of a dietitian to community residence facilities so that each facility can meet the requirements of this section.

3417.8 All food shall be prepared so as to be safe for human consumption and served in accordance with chapters 20 through 25 of title 23 DCMR, with the following exceptions:

(a) Community residence facilities with fewer than twenty (20) residents need not meet the requirements of 23 DCMR § 2500.2, but each facility shall organize plumbing facilities to ensure that the food that is processed is safe for human consumption;

(b) Community residence facilities with fewer than ten (10) employees on a shift need not comply with the provisions of 23 DCMR § 2500.2 insofar as they require separate toilet facilities for male and female employees; and

(c) Community residence facilities with five (5) or fewer unrelated residents plus the Residence Director and his or her family need not meet the requirements of 23 DCMR §§ 2207, 2208, 2300, or 2301.

3417.9 All multi-use utensils and equipment used in the preparation, cooking, and serving of food or drink shall be thoroughly washed in hot water, at least one hundred ten degrees Fahrenheit (110 [degree] F.), and detergent after each use.

3417.10 Community residence facilities shall provide sufficient qualified dietary and food service personnel to meet the general and specific needs of all residents, and shall comply with the requirements of §§ 3221.8 and 3221.9 of this title.

22-3418. THERAPEUTIC DIETS

3418.1 All community residence facilities that accept or retain residents in need of special or therapeutic diets shall provide for those diets to be planned, prepared, and served as prescribed by the attending physician. Those community residence facilities shall consult regularly with a dietitian.

3418.2 The dietitian shall have access to the resident's permanent record containing the physician's prescriptions for medications and special diet and shall document in that record all observations, consultations, and instructions regarding the resident's acceptance and tolerance of prescribed diets.

3418.3 The dietitian and the Residence Director, or a qualified person designated by the Residence Director, shall review the therapeutic diets of a community residence facility's residents at least every six (6) months.

22-3419. RESERVED

22-3420. REHABILITATION

3420.1 A major goal of each community residence facility shall be to assist its residents in achieving an optimum level of function and self-care through education and retraining in the activities of daily living.

3420.2 Toward the goal specified in § 3420.1, community residence facilities shall maintain as culturally normal routines and procedures as possible, providing for sleeping periods, meal times, social and recreational activities, responsibilities, and resident autonomy that approximate, as nearly as is consistent with the proper care of the resident, the living patterns of independent persons of their age in the community.

3420.3 In the case of group homes for mentally retarded persons, in addition to the provisions of §§ 3420.1 and 3420.2, each community residence home shall ensure that each resident is enrolled in and attends a daytime program, such as (but not limited to) a program conducted by a public school, day care, sheltered employment, or other appropriate activity center; Provided, that the program shall be consistent with a person's overall plan for habilitation.

3420.4 Whenever possible, residents shall be encouraged to return to their homes or other residential living arrangements.

3420.5 The Residence Director and other personnel employed by the community residence facility who are designated by the Mayor shall attend the training courses provided by the Mayor, at little or no cost, to increase their knowledge and skill

concerning rehabilitation and rehabilitation techniques that can be employed in the community residence facility.

3420.6 The Residence Director shall assist each resident in obtaining rehabilitation services from qualified therapists, including but not limited to physical, occupational, and speech and hearing therapists, as the resident may need, at the resident's own expense, if the resident is able to pay, or under Titles XVIII and XIX of the Social Security Act, or at the expense of any other public or private plan or agency.

3420.7 Each community residence facility shall grant access to, and to the best of its ability cooperate with, any licensed therapist who is hired to provide services to a resident of the community residence facility.

22-3421. HOUSEKEEPING AND LAUNDRY SERVICES

3421.1 The interior and exterior of each community residence facility shall be maintained in a safe, clean, orderly, attractive, and sanitary manner free from accumulations of dirt, rubbish, and objectionable odors.

3421.2 Each community residence facility shall provide appropriate procedures, personnel, and equipment to ensure sufficient clean linen supplies and the proper sanitary washing and handling of linen and personal clothing of residents.

3421.3 An adequate supply of linen, including replacements, shall be maintained.

3421.4 All bed linens shall be changed and cleaned as often as necessary to maintain clean linen on the beds at all times, but in no case shall bed linens be changed less often than once a week.

3421.5 Soiled linen shall be handled in a sanitary manner.

3421.6 Personal laundry of residents and personnel shall be collected, transported, sorted, washed, and dried in a sanitary manner, separate from bed linen.

3421.7 When feasible, arrangements shall be made so that residents who wish to do so shall have a safe and convenient place to wash out and dry small amounts of personal laundry.

22-3422. SOCIAL SERVICES

3422.1 Each community residence facility with fewer than thirty (30) residents shall assist residents in obtaining needed social services, as provided in this section.

3422.2 Prior to admission, if possible, or as soon as possible after admission, the Residence Director shall assist each resident who wants assistance in obtaining a professional evaluation of the resident's social needs and a plan, developed in cooperation with the resident, for obtaining services that may be necessary to meet the health-related emotional and social needs of the resident.

3422.3 The evaluation required under § 3422.2 shall be at the resident's expense if the resident is able to pay for it, or shall be funded from any available private or public social service resources.

3422.4 A written summary of each resident's social services plan, including personal and situation information important to the management of the resident's care and his or her probable length of stay, shall be included in the resident's permanent record.

3422.5 The Residence Director or personnel designated by him or her shall assist the resident in carrying out his or her social services plan by doing the following:

- (a) Aiding the resident in finding public and private social service resources;
- (b) Arranging appropriate transportation to the source of social services, if necessary; and
- (c) Making and keeping appointments to receive social services.

3422.6 Each community residence facility with more than thirty (30) residents shall comply with § 3304 of this title, and shall provide the services of a social worker for a minimum of eight (8) hours per week.

3422.7 Each community residence facility with more than eighty (80) residents shall provide the services of a social worker twenty (20) hours per week.

3422.8 Each community residence facility with more than one hundred (100) residents shall provide the services of a social worker on a full-time basis.

3422.9 The Mayor shall make available to all community residence facilities a list of all private and public social service resources in the community, together with a description of the services offered by each, their locations, and the persons to whom their services are available.

22-3423. RESIDENT ACTIVITIES

3423.1 Each community residence facility with fifty (50) or more residents shall employ a full-time resident activities specialist who shall hold current registration in the National Therapeutic Recreation Society as a therapeutic recreation specialist, or possess the qualifications necessary for that registration, or have two (2) years paid experience in a program or service directly related to therapeutic recreation.

3423.2 Each community residence facility shall provide, without additional charge, books, periodicals, newspapers, and audio and audio-visual entertainment within the community residence facility.

3423.3 Community residence facility staff shall become aware of and familiar with appropriate local activities and events that the residents might enjoy and shall actively encourage the residents to participate in them.

3423.4 Local activities shall include, but not be limited to, those that stimulate interest and participation in reading, hobbies, music, religion, drama, arts and crafts, games, sports and, where appropriate, senior citizens' clubs and meal programs.

3423.5 To the maximum extent possible, each community residence facility shall utilize the services of public and voluntary resources in promoting resident participation in activities. CDCR 22-3424 (2006)

22-3424. ENVIRONMENT REQUIREMENTS

3424.1 Each community residence facility shall be within easy walking distance of public transportation to stores, restaurants, movies, parks, recreational facilities, libraries, post offices, churches, and similar facilities.

3424.2 Location in a remote area is not acceptable, except when it can be shown that there is a special need for services in the area or when the community residence facility provides transportation for its residents.

3424.3 When possible, a community residence facility shall be located away from known sources of loud and irritating noises and in areas where interior sounds can be maintained at reasonable comfort levels.

3424.4 Each community residence facility shall be located in an area reasonably free from noxious, hazardous smoke and fumes.

3424.5 The location of each community residence facility shall otherwise be in compliance with the D.C. Air Quality Regulations enacted July 7, 1972 (Reg. No. 72-12).

3424.6 A community residence facility shall not use a name that is misleading as to the type of care provided by the community residence facility nor a name that is suggestive of chronic illness, dependence, or death.

3424.7 A community residence facility need not be given any name, if the licensee so desires.

3424.8 The provisions of §§ 3424.1 and 3424.2 of this title shall not apply to group homes for mentally retarded persons.

3424.9 The locations of group homes for mentally retarded persons shall be governed by applicable sections of the D.C. Zoning Regulations.

22-3425. STRUCTURAL REQUIREMENTS

3425.1 Before the physical facilities of any community residence facility are constructed, added to, remodeled, or otherwise altered to the extent a building permit is required, the owner of the community residence facility shall notify the Mayor of all contemplated changes before a building permit is issued so the Mayor's can review and approve the changes that may relate to the requirements of this title.

3425.2 In addition to the requirements of this section, the physical structure of a community residence facility shall conform to all applicable provisions of the D.C. Housing Code (DCMR 14), the D.C. Building Code (DCMR 12), the applicable provisions of this title, and all other applicable District rules and regulations, except as provided in § 3417 of this title.

3425.3 Each community residence facility with five (5) or fewer residents plus the Residence Director and his or her family shall conform to chapters 1 (except § 103), 3, 4, 5, 6 (except § 607), 7, 8, and 9 (except §§ 901 through 906) of title 14 DCMR (the D.C. Housing Code).

3425.4 Each community residence facility with more than six (6) occupants shall comply with chapters 1 (except § 103), 3, 4, 5, 6 (except § 607), 7, 8, and 9 (except §§ 901 through 906) of title 14 DCMR (D.C. Housing Code), and all other provisions of the Housing Code relating to rooming and boarding houses, apartment houses, and hotels or motels, depending on the nature of the community residence facility and the number of residents, except §§ 1003, 1303, and 1305.

3425.5 A community residence facility may be classified as a residential occupancy and may be located in a single or multi-family dwelling.

3425.6 The provisions of §§ 3424.1 and 3424.2 of this title shall not apply to group homes for mentally retarded persons.

3425.7 The locations of group homes for mentally retarded persons shall be governed by applicable sections of the D.C. Zoning Regulations.

3425.8 The provisions of § 3425.4 shall not apply to group homes for mentally retarded persons that have (or are intended when fully occupied to have) eight (8) or fewer mentally retarded persons as residents; Provided, that those group homes shall at all times comply with the provisions of § 3425.3.

22-3426. LIGHTING

3426.1 All habitable rooms shall have window areas and ventilation levels in accordance with the D.C. Building Code (12 DCMR).

3426.2 Obscure glass, glass blocks, or similar non-transparent or distortion-producing material for openings shall not satisfy window area requirements for habitable rooms under this section.

3426.3 General lighting levels in non-sleeping rooms throughout each community residence facility shall be not less than ten (10) foot-candles.

3426.4 Incandescent fixtures shall be equipped with at least sixty (60) watt light bulbs.

3426.5 Additional lighting levels shall be provided by each community residence facility in the kitchen and laundry areas and as may be needed for special tasks, or at the request of a resident.

3426.6 Night lights shall be provided in bathrooms, hallways and, if requested, in residents' bedrooms.

3426.7 Outside entrances shall be well lighted at times when they are likely to be in use.

22-3427. WATER SUPPLY

3427.1 The water supply and distribution systems for each community residence facility shall conform to all applicable District codes, rules, and regulations.

3427.2 An adequate supply of hot water for the use of residents shall be available at

all times.

3427.3 The temperature of hot water at fixtures used by residents shall be automatically controlled and shall not exceed one hundred ten degrees Fahrenheit (110 [degree] F.).

3427.4 The water supply may also include a separate or boosted supply at higher temperatures for the kitchen and for dishwashing and laundry uses.

22-3428. HEAT, VENTILATION, AND INSULATION

3428.1 Each community residence facility shall have a heating system that conforms to all applicable District codes, rules, and regulations, and that is of sufficient size and capacity to maintain a temperature of at least sixty-five degrees Fahrenheit (65 [degree] F.) in winter temperatures.

3428.2 The heating system shall be thermostatically controlled.

3428.3 No portable room heaters, space heaters, or fireplaces shall be permitted unless specifically approved by the Mayor as not presenting a fire hazard, although fireplaces may be utilized for decorative, social, and recreational purposes.

3428.4 Each room used by residents shall be maintained at a minimum temperature of sixty-five degrees Fahrenheit (65 [degree] F.) between 7:00 a.m. and 10:00 p.m., and at sixty degrees Fahrenheit (60 [degree] F.) at all other times, whenever the room is occupied.

3428.5 Each community residence facility with more than thirty (30) residents shall meet the requirements of § 3248 of chapter 32 of this title, except §§ 3248.8, 3248.11, and 3248.12 of that section.

3428.6 Each community residence facility with more than thirty (30) residents shall meet the requirements of §§ 3249.1 through 3249.3 and §§ 3249.7 and 3249.8 of chapter 32 of this title. 22-3429. RESERVEDCDCR 22-3430 (2006)

22-3430. ARCHITECTURAL REQUIREMENTS

3430.1 The provision of space in a community residence facility and the way in which the community residence facility is equipped, furnished, and maintained shall provide a comfortable, congenial, home-like setting for residents and staff.

3430.2 Residents shall be provided access to and encouraged to utilize fully all space required by this section to be provided in the community residence facility.

3430.3 When it is necessary to restrict certain space from residents' use, that space shall be located in the most remote portions of the community residence facility possible.

3430.4 Group living space shall be provided for social and recreational purposes, including a living room or recreation room, and a dining room.

3430.5 If minimum area requirements for community space in community residence facilities can be met, dining and living areas may be located within the same room.

3430.6 The combined total of all community space provided by the community residence facility shall afford at least twenty-five square feet (25 ft. 2) of space above the basement per resident

22-3431. BEDROOMS

3431.1 Bedrooms shall be occupied in conformance with the minimum square foot requirements for bedrooms as specified in § 402 of the D.C. Housing Code (14 DCMR), except that, regardless of the bedroom size, no bedroom shall have more than four (4) occupants.

3431.2 Every resident's bedroom shall be equipped or provided with a bed, a bedside table or cabinet with an individual reading lamp with at least a seventy-five (75) watt bulb, a comfortable armchair, and suitable, sufficient storage space for each resident's personal clothing and personal effects.

3431.3 At least one (1) desk and chair shall be provided in the community residence facility for the use of every ten (10) residents.

3431.4 Residents who are students shall be provided with a desk and chair, upon request, in a part of the community residence facility that is quiet and conducive to study.

3431.5 At least weekly, each community residence facility shall provide to each resident clean linens consisting of two (2) sheets and pillow slips, a bath towel, a hand towel, and a wash cloth.

3431.6 Beds shall be located only in rooms designated solely as bedrooms.

3431.7 In community residence facilities in which residents are given keys to their sleeping rooms, staff shall have access to duplicate keys for use in emergency situations and for regularly scheduled routine housekeeping.

3431.8 Each bed shall be placed at least three feet (3') from any other bed and at least three feet (3') from any radiator or window.

3431.9 A flame-resistant, washable bedside curtain or portable screen that completely conceals the bed to ensure privacy shall be made available to any resident in a multi-resident bedroom who requests one.

22-3432. BATHING AND TOILET FACILITIES

3432.1 Bathing and toilet facilities shall be provided in accordance with the fixtures ratios established for each or both of them in chapter 6 of the D.C. Housing Code (14 DCMR).

3432.2 In each community residence facility employing more than three (3) full-time employees (including the Residence Director), toilet and lavatory facilities separate from the rooms used by residents shall be provided.

3432.3 In each community residence facility with more than thirty (30) residents, when residents have the use of common living or eating space on floors other than floors on which their bedrooms are located, additional toilets and lavatories shall be

provided on those floors in the proportion of (1) toilet and lavatory for each thirty (30) residents.

22-3433 (2006) 22-3436 3439.RESERVED

22-3440. HALFWAY HOUSES

3440.1 The provisions of § 3400.3 of this chapter shall not apply to halfway houses, but at all times the Residence Director of a halfway house or another responsible adult (other than a resident of the community residence facility) who is capable of taking action in case of emergencies shall be within call or within reach by telephone at a telephone number made known to all residents, and shall be within a reasonable distance of the community residence facility so as to be available to assist within one half (1/2) hour in an emergency.

3440.2 The provisions of § 3404.1 of this chapter shall not apply to halfway houses. Instead, in addition to the pre-admission medical examination required by § 3403.8 of this title, and the pre-admission psychiatric examination required by § 3403.10, each resident shall have an annual psychiatric examination a written report of which, together with a record of any prescription, treatment orders, or special instructions for the management and protection of the resident, shall be made a part of the resident's permanent record.

3440.3 The provisions of § 3407.1 of this chapter shall not apply to halfway houses.

3440.4 The provisions of § 3406.8 of this chapter shall not apply to halfway houses. No religious beliefs or practices shall be imposed on any halfway house resident, except that religious observances organized by the community residence facility shall be permitted in a halfway house that predicates admissions on religious qualifications in compliance with the terms of §§ 3403.6 and 3403.7 of this chapter.

3440.5 The provisions of §§ 3417.1 through 3417.7 of this chapter shall apply to halfway houses, except that required meals need not be served to residents but may be otherwise made available to them at reasonable times.

3440.6 The requirements of § 2207 of title 23 DCMR shall not apply to halfway houses.

22-3441. PAYMENT OF DISTRICT FUNDS

3441.1 No funds of the District shall be paid to any community residence facility or to any person residing in a community residence facility for his or her maintenance in that facility unless the community residence facility is licensed by the District under these regulations. 22-3442. MINIMUM INSURANCE STANDARDS

3442.1 All Community Residence Facilities, licensed under D.C. Law 2-35 shall carry sufficient insurance to cover the following:

(a) Hazards (fire and extended coverage) in the amount of five hundred dollars (\$ 500) per resident to protect belongings with a minimum of two thousand dollars (\$ 2,000) of coverage per facility; and

(b) Premises, personal injury, and products liability for at least the limits set forth as follows:

No. of beds	Limit per occurrence (combined single limit and aggregate limit)
1-2	\$ 100,000
3-9	\$ 300,000
10 or more	\$ 500,000

(c) Incidental malpractice coverage in respect only of duties required of a resident Director or staff member pursuant to this title, for a limit of at least one hundred thousand dollars (\$ 100,000).

3442.2 In the case of a facility which is not owned by the operator, the operator shall be responsible for obtaining proof of the owner's premises liability coverage (such as a certificate of standard landlord coverage) or placing the owner on the operator's policy as an additional named insured.

22-3499. DEFINITIONS

3499.1 The provisions of § 3099 of chapter 30 of this title and the definitions set forth in that section shall apply to this chapter.
